

HOUSE BILL 675

J1

2lr2104

By: **Delegate Niemann**

Introduced and read first time: February 8, 2012

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health – Prohibition on Individuals with Tuberculosis Working in Food**
3 **Service Facilities**

4 FOR the purpose of prohibiting individuals who have tuberculosis in a communicable
5 stage from working in any capacity in a food service facility; requiring an
6 employer of a food service employee to require the employee to furnish a
7 certification that the employee is free of tuberculosis in a communicable stage;
8 specifying when an employer must require an employee to furnish the
9 certification; requiring the certification to be based on the results of certain
10 tests; requiring certain individuals to regulate the types of certain tests and the
11 intervals between certain tests; requiring the types of tests and intervals
12 between tests to conform to certain standards; and generally relating to
13 prohibiting individuals who have tuberculosis in a communicable stage from
14 working in food service facilities.

15 BY adding to

16 Article – Health – General
17 Section 21–328.1
18 Annotated Code of Maryland
19 (2009 Replacement Volume and 2011 Supplement)

20 BY repealing and reenacting, without amendments,

21 Article – Health – General
22 Section 21–1214
23 Annotated Code of Maryland
24 (2009 Replacement Volume and 2011 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
26 MARYLAND, That the Laws of Maryland read as follows:

27 **Article – Health – General**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **21-328.1.**

2 (A) AN INDIVIDUAL WHO HAS TUBERCULOSIS IN A COMMUNICABLE
3 STAGE MAY NOT WORK IN ANY CAPACITY IN A FOOD SERVICE FACILITY.

4 (B) AN EMPLOYER OF A FOOD SERVICE FACILITY EMPLOYEE SHALL
5 REQUIRE THE EMPLOYEE TO FURNISH A CURRENT CERTIFICATION TO THE
6 EMPLOYER THAT THE EMPLOYEE IS FREE OF TUBERCULOSIS IN A
7 COMMUNICABLE STAGE.

8 (C) THE EMPLOYER SHALL REQUIRE THE EMPLOYEE TO FURNISH THE
9 CERTIFICATION WHEN:

10 (1) THE EMPLOYEE IS FIRST EMPLOYED; AND

11 (2) AT ANY OTHER TIME THAT THE HEALTH OFFICER OF A
12 COUNTY OR THE BALTIMORE CITY COMMISSIONER OF HEALTH DEEMS
13 NECESSARY.

14 (D) (1) THE CERTIFICATION SHALL BE BASED ON THE RESULTS OF
15 SPECIFIC TESTS.

16 (2) THE TYPES OF TESTS AND THE INTERVALS BETWEEN TESTS
17 SHALL:

18 (I) BE REGULATED BY THE HEALTH OFFICER OF A COUNTY
19 OR THE BALTIMORE CITY COMMISSIONER OF HEALTH; AND

20 (II) CONFORM TO THE STANDARDS OF THE DEPARTMENT.

21 **21-1214.**

22 (a) Any person who violates any provision of Subtitle 3 of this title or any
23 rule or regulation adopted under Subtitle 3 of this title is guilty of a misdemeanor and
24 on conviction is subject to:

25 (1) For a first offense, a fine not exceeding \$1,000 or imprisonment not
26 exceeding 90 days, or both; and

27 (2) For a second offense, a fine not exceeding \$2,500 or imprisonment
28 not exceeding 1 year, or both.

1 (b) In addition to any criminal penalties imposed under this section, a person
2 who violates any provision of Subtitle 3 of this title or any rule or regulation adopted
3 under Subtitle 3 of this title or any term, condition, or limitation of any license or
4 registration issued under Subtitle 3 of this title:

5 (1) Is liable for a civil penalty not exceeding \$5,000, to be collected in a
6 civil action in the District Court for any county; and

7 (2) May be enjoined from continuing the violation.

8 (c) Each day on which a violation occurs is a separate violation under this
9 section.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2012.